

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\_\_\_\_\_  
STEPHEN BECKMAN

v.

BULL HN INFORMATION  
SYSTEMS INC.  
\_\_\_\_\_

CIVIL ACTION NO.: 03-12567-NG

**DEFENDANT BULL HN INFORMATION SYSTEM INC.'S MOTION TO DISMISS**

The defendant, Bull HN Information Systems Inc. ("Bull HN"), moves to dismiss this action pursuant to Fed. R. Civ. Pro. 12(b)(6). As set forth in detail in the Memorandum of Law and accompanying Transmittal Affidavit submitted herewith and incorporated herein by reference, the plaintiff, Stephen Beckman ("Beckman"), has failed to state a claim on which relief can be granted, in that he failed to comply with the procedural requirements for asserting claims under the Age Discrimination in Employment Act, 29 U.S.C. § 621 et seq. ("ADEA"), as amended by the Older Workers Benefit Protection Act, 29 U.S.C. § 626(f) ("OWBPA"), the Employee Retirement Income Security Act, 29 U.S.C. § 1001 et seq. ("ERISA"), and Massachusetts General Laws Chapter 151B ("M.G.L. c. 151B"), and otherwise failed to plead the requisite elements of any viable cause of action.

WHEREFORE, Bull HN respectfully requests that all counts, i.e., Counts I, II, III and IV, be dismissed in their entirety for failure to state claims upon which relief can be granted.

Respectfully submitted,

BULL HN INFORMATION SYSTEMS INC.

By its attorneys,

/s/ Kelly S. Black-Holmes  
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Dated: January 23, 2004

**Request for Oral Argument**

Pursuant to Local Rule 7.1(D), Bull HN respectfully requests that the Court hear oral argument on this matter.

**LOCAL RULE 7.1 CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), counsel for Bull HN certifies that it has attempted in good faith to resolve the issues set forth in this Motion with opposing counsel. The dispositive nature of this Motion, however, precluded any resolution of the issues.

/s/ Kelly S. Black-Holmes  
Kelly S. Black-Holmes

**CERTIFICATE OF SERVICE**

I hereby certify that on January 23, 2004, I caused a true and accurate copy of the above document to be served either by electronic transmission or by hand upon Denise L. Page, Esq., Barron & Stadfeld, P.C., 50 Saniford Street, Boston, MA 02108.

/s/ Kelly S. Black-Holmes  
Kelly S. Black-Holmes